

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12619 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SAMRAT GYMKHANA ASSOCIATION

Versus

DIST SUPDT OF POLICE

Appearance:

1. Special Civil Application No. 12619 of 1993
MR BN KESHWANI for Petitioners.
Mr. L.R. Poojari, AGP for Respondents.

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 31/03/2004

ORAL JUDGEMENT

The present petition is filed by Samrat Gymkhana Association under Article 226 of the Constitution of India for an appropriate writ or order declaring that the provisions of Bombay Prevention of Gambling Act are not applicable to game of 13 Cards known as "Rummy" and when

the present Special Civil Application came up for hearing for admission before this Court, this Court passed the following order;

"Rule. By way of interim relief it is directed that respondents Nos. 1, 2 and 3 shall not interfere with the game of Rummy being played by the members of the petitioner Club on the club premises. This orders would not restrain the police in taking recourse to law, if it is found that the members of the club are playing any other game which is objectionable under the law. Direct service is permitted."

and the said interim relief is in operation till date. Today, when the matter is called out for final hearing, Mr. BN Keshwani, ld. advocate has submitted that in a petition raising identical question, this Court (Coram: Y.B. Bhatt, J.) has allowed the said petition by making the Rule absolute in terms of interim relief, and hence requested that this Court may also pass the similar order in the present petition.

2. Mr. L.R. Poojari, learned AGP appearing for the respondents after going through the said order dated 11.10.1993 passed in S.C.A. No. 10690 of 1993 submits that he has no objection if a similar order is passed in the present petition also. However, he submits that according to his information and the report the present petitioner is not running the Gymkhana at present in the same village.

3. This Court proposes to dispose of the present Special Civil Application on the same lines on which the aforesaid S.C.A No. 10690 of 1993 raising identical issue came to be disposed of, by observing that this will be applicable if the petitioner Gymkhana is running the Club. The learned counsel for the petitioners also agree that Rule may be made absolute in terms of the interim relief granted by this Court on 8.11.1993, which is still in operation. It is accordingly directed that the respondents shall not interfere with the game "Rummy" being played by the members of the petitioner Club/Gymkhana in the club premises. This order would not restrain the police in taking recourse to law if it found that such members are playing any other game which may be objectionable in law.

4. Rule is made absolute with no order as to costs.

rmr. [M.R. Shah, J.]